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REMARKS/ARGUMENTS

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Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Claims 1, 4-9 and 12-19 are pending in the present application. Claims 1, 4, 5, 7-9, 12, 13 and 15-19 have been amended, and Claims 2 and 10 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

I.   Specification

The Examiner has requested that Applicants update the status of the related application as mentioned in the disclosure. Applicants have amended such status herewith.

II.   35 U.S.C. § 101

Claims 9, 15, 16 and 18 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

With respect to Claims 9, 15 and 16, the Examiner notes concerns with the Specification description regarding the claimed computer readable medium. Applicants have amended Claims 9, 15 and 16 to expressly recite a recordable-type computer readable medium.

With respect to Claim 18, the Examiner states that the claimed invention is directed to non-statutory subject matter as it is directed to software per se, and not to a machine. Applicants urge clear error, as Claim 18 explicitly recites a server, a client *machine* and a first *machine*.[1]

Therefore, the rejection of Claims 9, 15, 16 and 18 under 35 U.S.C. § 101 has been overcome.

III.   35 U.S.C. § 103, Obviousness

Claims 1, 2, 4-10 and 12-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Boykin (U.S. Publication No. 2002/0078461), hereinafter "Boykin", in view of Lutterschmidt (U.S. Patent No. 6,356,947), hereinafter "Lutterschmidt". This rejection is respectfully traversed.

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[1] **35 U.S.C. 101 Inventions patentable.**

Whoever invents or discovers any new and useful process, **machine**, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Applicants have amended Claim 1 to emphasize the master-server-centric aspects of the claimed method for request redirection, whereas the cited primary reference to Boykin is a requesting-client-centric technique (Boykin paragraph [0035]). For example, per Claim 1 the master server either itself provides the requested file piece, or alternatively redirects a request for a requested file piece to another machine for which the master server itself has previously downloaded such file piece to. In contrast, the Boykin system is architected substantially differently, in that it describes an 'incasting' system whereby a client requesting a copy of a file used of global list 130 (see Figure 6) to ascertain the locations of various pieces of such file such that the client can request the various file pieces/portions in order for the client to receive a desired file.

It is further urged that Boykin *requires* multiple copies of data to exist in the network in order for its 'incasting' system to properly operate (Boykin paragraph [0032]), and thus does not teach a client requesting a *unique* file piece, as per the features of amended Claim 1.

In addition, Claim 1 has been amended to include the features of dependent Claim 2 (which is thus being cancelled herewith, without prejudice or disclaimer). It is urged that none of the cited references teach or suggest a master server that both contains a complete copy of the master file, and also conditionally redirects requests for file pieces based upon whether this same master server has previously downloaded the request to another machine. To the extent the cited Lutterschmidt describes redirection by central server 50, as alleged by the Examiner in rejecting the claims, this central server does not fulfill actual requests for data itself, or maintain a complete copy of an electronic file whose file pieces are being requested, but instead merely manages control flow (Lutterschmidt col. 5, lines 46-60). Thus, it is further urged that amended Claim 1 is not obvious in view of the cited references.

Applicants traverse the rejection of Claims 4-6 for similar reasons to those given above with respect to Claim 1 (of which Claims 4-6 depend upon).

With respect to Claim 7, the *first machine* which requests and receives one of a plurality of pieces of an electronic file *itself* receives a request for a (another) file piece, and such request is conditionally redirected from the server to this *first machine* based upon whether the server has previously provided this another file piece to this *first machine*. In rejecting Claim 7, the Examiner merely relies upon the reasoning given with respect to Claim 1 in such rejection of Claim 7. In rejecting Claim 1, the Examiner states that the requesting and receiving of a file piece by a first machine is taught by Boykin's Abstract and paragraphs 0030, 0035 and 0037 (see page 13, paragraph 14 of the most recent Office Action dated July 28, 2008). There, Boykin describes that clients (Figure 2, element 5a) request and receive a requested content/file. Importantly, these client devices do not themselves receive or otherwise process requests for content/files as required per the features of Claim 7. They are merely requestors of data – not suppliers of data. Per the features of Claim 7, the *same* first machine that requests and receives a

requested file piece _itself receives a request for another file piece_ (as redirected by a server). None of the cited references teach a _first machine_ that (1) requests and receives a file piece from a server _and in addition_ also (2) receives a request for another file piece (as redirected by a server) and processes such received request by sending the another file piece to the machine that requested it (second machine), nor has the Examiner alleged any such teaching or suggestion (since these missing features of Claim 7 (peer server) are not recited in Claim 1 (master server), and hence the Examiner's mere reliance on the reasoning of the Claim 1 rejection as the sole reason given in the rejection of Claim 7 is clearly erroneous). Thus, Claim 7 (and similarly for Claims 15 and 18) has been erroneously rejected as a proper prima facie case of obviousness has not been established by the Examiner.

  With respect to Claim 8 (and similarly for independent Claims 16 and 19), such claim recites "requesting, by a first machine, one of a plurality of pieces of an electronic file from a server, wherein the electronic file is stored in the server" and "receiving, by the first machine and without further request of the requested file piece by the first machine, the requested file piece from a second machine containing a copy of said file piece in lieu of receiving the requested file piece from the server, the copy of said file piece on the second machine being the result of a previous request for the file piece from the second machine to the server and receipt of the file piece from the server to the second machine". As can be seen, a first machine requests one of a plurality of pieces of an electronic file from a server, where the electronic file is stored on the server. This same first machine - the one that requested the file piece from the server - receives the requested file piece from a different device/machine (second machine) than the one for which the first machine requested the file piece from (server). In addition, the second machine (for which the file piece is actually received from by the requesting first machine, in lieu of being received from the requested server) has a copy of this file piece as a result of this second machine itself having requested the file piece from the server.

  In rejecting Claim 8, the Examiner acknowledges that the cited Boykin reference does not teach this claimed 'receiving' step, but states that the cited Lutterschmidt reference teaches all features of this claimed 'receiving' step at Figure 3 and col. 7, lines 1-31. As a prelude to this cited passage, it is noted that this cited reference teaches at col. 6, lines 53-58 that a client node C1 sends a request for content to central server node AS (col. 6, lines 59-61). So according to this cited passage when viewed against the claimed 'requesting' step of Claim 8, the claimed 'first machine' must be being equated with Lutterschmidt's 'client node C1', and the claimed 'server' must be being equated with Lutterschmidt's 'central server node AS'. **However, Lutterschmidt's 'central server node AS'/server did not previously provide a copy of this same requested content to another client node** (the claimed second client machine) which is now providing this requested content to the first machine/client node. Instead, such content is provided by yet another server (content server node CONTS1, as shown in Figure 3). In

contrast, per the features of Claim 8, "the copy of said file piece on the second machine *being the result of a previous request for the file piece from the second machine to the server and receipt of the file piece from the server to the second machine*". Quite simply, none of the cited references teach a server that in one instance provides content to a requesting client ('from the server to the second machine'), and another machine (first machine) sends a request to this *same server* and *instead* receives the content from a different machine (second machine) for which this same server previously provided a copy to. Thus, it is urged that Claim 8 has been erroneously rejected as a proper prima facie showing of obviousness has been not established by the Examiner.

Applicants traverse the rejection of Claims 9 and 12-14 and 17 for similar reasons to those given above with respect to Claim 1.

Applicants traverse the rejection of Claims 15 and 18 for similar reasons to those given above with respect to Claim 7.

Applicants traverse the rejection of Claims 16 and 19 for similar reasons to those given above with respect to Claim 8.

Therefore, the rejection of Claims 1, 2, 4-10 and 12-19 under 35 U.S.C. § 103 has been overcome.

IV.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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